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10/595,501	01/29/2007	David J. Oles	081936/00007	1614

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EXAMINER
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RAVETTI, DANTE

ART UNIT	PAPER NUMBER
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3685

MAIL DATE	DELIVERY MODE
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01/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,501	<b>Applicant(s)</b> OLES, DAVID J.	
	<b>Examiner</b> DANTE RAVETTI	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This communication is in response to the original Application No. 10/595,501 filed on January 29, 2007.
2. Claims 1-18 are currently pending and have been fully examined.
3. For the purpose of applying the prior art, PreGrant Publications will be referred to using a four digit number within square brackets, e.g. [0001].

### ***Examiner's Remarks/Comments***

4. As to claim 1, Applicant recites, "...**when** said first preferred ratio is achieved...**upon** replenishment of the consumable...**when** said second...**upon** replenishment of...**when** said first...." Language that suggests or makes optional, but does not requires steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.<sup>1</sup>

Claims 2-18 contains similar language or like deficiencies. The appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-18 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

The subject matter of claims 1-5 and 11-15 is not wholly contained in any of the four statutory classes it appears; therefore, the claim is rejected under 35 U.S.C. §101 (a claim containing mixed subject matter).<sup>2</sup>

Claims 5 and 15 are also rejected for not being in the proper Beauregard form (e.g. ...when executed causes a computer to perform the steps of...). The appropriate correction is required.

Claims 6-10 and 16-18 are also rejected for being dependent upon rejected claims 1-5 and 11-15.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "disproportionate" in claim 1 is a relative term which renders the claim indefinite. The term "disproportionate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "consumable media" in claim 1 is a relative term which renders the claim indefinite. The term "consumable media" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree. With

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<sup>1</sup> MPEP §2106 IIC

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the use of different printing devices, each may use different, "consumable medias."

One of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 2-5 and 11-15 contains similar language or like deficiencies. The appropriate correction is required.

Claims 6-10 and 16-18 are also rejected for being dependent upon rejected claims 1-5 and 11-15. The appropriate correction is required.

As to claim 1, it is considered to be a Hybrid claim since a person of ordinary skill in the art would recognize that the claim encompasses at least two statutory classes of invention (a claim containing mixed subject matter).<sup>3</sup>

Evidence that claim 1 recite's an apparatus: The Preamble ("An Apparatus that optimizers the output speed..."). Here the Applicant seems to be combining a Apparatus claim with a method claim (set of method steps) (e.g. "...wherein said system controller initially causes a disproportionate amount of utilization...to be produced from said...compared to said first output print device, the disproportionate amount of utilization of consumable media from...continues until the amount of consumable media of said first output...compared to the amount of consumable media in said second output print device; when said first preferred ratio is achieved between the consumable...said system controller alternates utilization of consumable media between...until said second output print device exhausts its consumable media;

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<sup>2</sup> MPEP §2173.05(p) II.

<sup>3</sup> Id

As to claim 2, it is considered to be a Hybrid claim since a person of ordinary skill in the art would recognize that the claim encompasses at least two statutory classes of invention (a claim containing mixed subject matter). <sup>4</sup>

Evidence that claim 2 recite's a system includes: The Preamble ("A system that optimizes the output..."). Here the Applicant seems to be combining a system claim with a method claim (set of method steps) (e.g. "...when said first preferred ratio is achieved...upon replenishment of the consumable...when said second preferred ratio is achieved...upon replenishment of the consumable..."), because of the conflicting evidence, the claim is considered a Hybrid claim and the appropriate correction is required.

Claims 3-5 and 11-15, contains similar language or like deficiencies.

Claims 6-10 and 16-18 are also rejected for being dependent upon rejected claims 1-5 and 11-15. The appropriate correction is required.

As to claims 5 and 15, Applicant recites, "...of consumable media, comprising...." It would not be clear to one of ordinary skill in the art to determine what "comprising" refers to, the method or the device.<sup>5</sup> The appropriate correction is required.

As to claim 6 and 7, Applicant recites, "...the amount of consumable media..." However, one of ordinary skill in the art would not be able to determine an amount level when they can not identify the consumable media. One of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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<sup>4</sup> Id

<sup>5</sup> In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989); An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed...

As to claim 8, Applicant recites, "...first output print device...comprises a dye sublimation...." However, claim 8 is dependent upon claim 5, which is a program storage device...embodies program instructions executable...." It is unclear to one of ordinary skill in the art how applicant intends to program a dye sublimation, transfer ribbons, paper or protective overcoat laminate. One of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 16-18, contains similar language or like deficiencies.

Claims 1-18 are rejected as failing to define the invention in the manner required by 35 U.S.C. §112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3-11, 13-18 are rejected under 35 U.S.C. §102(e) as being anticipated by Shimada, (US 7,221,465) ("Shimada").

**As to claims 1, 3-4, 11, 13-14:**

Shimada expressly teaches:

a first output print device with consumable media (See at least Figure 1, Claim 16, 25);

a second output print device with consumable media (See at least Figure 1, Claim 16, 25);

a system controller that controls the utilization of consumable media of said first output print device and said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

wherein said system controller initially causes a disproportionate amount of utilization of consumable media to be produced from said second output print device compared to said first output print device, the disproportionate amount of utilization of consumable media from said second output print device continues until the amount of consumable media of said first output print device is in a first preferred ratio compared to the amount of consumable media in said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

when said first preferred ratio is achieved between the consumable media of said first output print device and said second output print device, said system controller alternates utilization of consumable media between said first output print device and said second output print device until said second output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

upon replenishment of the consumable media of said second output print device, said system controller causes a disproportionate amount of utilization of consumable media to be produced from said second output print device compared to said first output print device, the disproportionate amount of utilization of consumable media continues until the amount of consumable media of said second output print device is in a second preferred ratio compared to the amount of consumable media in said first output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

when said second preferred ratio is achieved between the consumable media of said second output print device and said first output print device, said system controller alternates utilization of consumable media between said second output print device and said first output print device until said first output print device exhausts its consumable



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media (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

upon replenishment of the consumable media of said first output print device, said system controller causes a disproportionate amount of utilization of consumable media to be produced from said first output print device compared to said second output print device, the disproportionate amount of utilization of consumable media continues until the amount of consumable media of said first output print device is in said first preferred ratio compared to the amount of consumable media in said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

when said first preferred ratio is achieved between the consumable media of said first output print device and said second output print device, said system controller alternates utilization of consumable media between said first output print device and said second output print device until said second output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16); and

said system controller maintains continued utilization of consumable media in the above alternating process (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

**As to claims 5 and 15:**

Shimada expressly teaches:

using consumable media with a first output print device (See at least Figure 1, Claim 16, 25);

using consumable media with a second output print device (See at least Figure 1, Claim 16, 25);

controlling the utilization of consumable media of said first output print device and said second output print device with a system controller (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

wherein said system controller initially causes a disproportionate amount of utilization of consumable media to be produced from said second output print device compared to said first output print device, the disproportionate amount of utilization of consumable media from said second output print device continues until the amount of consumable media of said first output print device is in a first preferred ratio compared to the amount of consumable media in said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

when said first preferred ratio is achieved between the consumable media of said first output print device and said second output print device, said system controller alternates utilization of consumable media between said first output print device and said second

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output print device until said second output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

upon replenishment of the consumable media of said second output print device, said system controller causes a disproportionate amount of utilization of consumable media to be produced from said second output print device compared to said first output print device, the disproportionate amount of utilization of consumable media continues until the amount of consumable media of said second output print device is in a second preferred ratio compared to the amount of consumable media in said first output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

when said second preferred ratio is achieved between the consumable media of said second output print device and said first output print device, said system controller alternates utilization of consumable media between said second output print device and said first output print device until said first output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

upon replenishment of the consumable media of said first output print device, said system controller causes a disproportionate amount of utilization of consumable media to be produced from said first output print device compared to said second output print device, the disproportionate amount of utilization of consumable media continues until the amount of consumable media of said first output print device is in said first preferred ratio compared to the amount of consumable media in said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

when said first preferred ratio is achieved between the consumable media of said first output print device and said second output print device, said system controller alternates utilization of consumable media between said first output print device and said second output print device until said second output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5); and

said system controller maintains continued utilization of consumable media in the above alternating process (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

**As to claim 6:**

Shimada expressly teaches:

A dependent claim according to claims 1, 2, 3, 4, or 5 wherein said first preferred ratio occurs when the amount of consumable media of said first output print device minus the amount of consumable media of said second output print device equals half the amount of consumable media available when said first output print device and said second

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output print device are both full of consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

**As to claim 7:**

Shimada expressly teaches:

A dependent claim according to claims 1, 2, 3, 4, or 5 wherein said second preferred ratio occurs when the amount of consumable media of said second output print device minus the amount of consumable media of said first output print device equals half the amount of consumable media available when said second output print device and said first output print device are both full of consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

**As to claims 8 and 16:**

Shimada expressly teaches:

A dependent claim according to claims 1, 2, 3, 4, or 5 wherein said first output print device or said second output print device further comprises a dye sublimation printer and where the consumable media further comprises dye transfer ribbons, paper, and protective overcoat laminate (See at least (Col. 1, lines 50- 67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

**As to claims 9 and 17:**

Shimada expressly teaches:

A dependent claim according to claims 1, 2, 3, 4, or 5 wherein said first output print device or said second output print device further comprises an inkjet printer and where the consumable media further comprises inkjet print cartridges and paper (See at least (Col. 1, lines 50- 67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

**As to claims 10 and 18:**

Shimada expressly teaches:

A dependent claim according to claims 1, 2, 3, 4, or 5 wherein said first output print device further comprises a first logical output print device and said second output print device further comprises a second logical output print device, said first logical output print device further comprises one or more physical output print devices, and said second logical output print device further comprises one or more physical output print devices (See at least (Col. 1, lines 50- 67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

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***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 6-10, 12 and 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimada in view of Wain et al., (US 6,148,148) ("Wain").

**As to claims 2 and 12:**

Shimada teaches substantially as claimed:

a first output print device with consumable media (See at least Figure 1, Claim 16, 25);

a second output print device with consumable media (See at least Figure 1, Claim 16, 25);

a system controller that controls the utilization of consumable media of said first output print device and said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

wherein said system controller initially causes a disproportionate amount of utilization of consumable media to be produced from said second output print device compared to said first output print device, the disproportionate amount of utilization of consumable media from said second output print device continues until the amount of consumable media of said first output print device is in a first preferred ratio compared to the amount of consumable media in said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

when said first preferred ratio is achieved between the consumable media of said first output print device and said second output print device, said system controller alternates utilization of consumable media between said first output print device and said second output print device until said second output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

upon replenishment of the consumable media of said second output print device, said system controller causes a disproportionate amount of utilization of consumable media

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to be produced from said second output print device compared to said first output print device, the disproportionate amount of utilization of consumable media continues until the amount of consumable media of said second output print device is in a second preferred ratio compared to the amount of consumable media in said first output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 5-20, 35-55), (Col. 3, lines 25-67), (Col. 4, lines 1-16), Figure 6, Claims 1-2, 4, 6, 11, 16);

when said second preferred ratio is achieved between the consumable media of said second output print device and said first output print device, said system controller alternates utilization of consumable media between said second output print device and said first output print device until said first output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

upon replenishment of the consumable media of said first output print device, said system controller causes a disproportionate amount of utilization of consumable media to be produced from said first output print device compared to said second output print device, the disproportionate amount of utilization of consumable media continues until the amount of consumable media of said first output print device is in said first preferred ratio compared to the amount of consumable media in said second output print device (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

when said first preferred ratio is achieved between the consumable media of said first output print device and said second output print device, said system controller alternates utilization of consumable media between said first output print device and said second output print device until said second output print device exhausts its consumable media (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5); and

said system controller maintains continued utilization of consumable media in the above alternating process (See at least (Col. 1, lines 50-67), (Col. 2, lines 6-42), (Col. 3, lines 40-48), (Col. 8, lines 38-50), Figure 2, Claims 1-5);

Shimada does not expressly teach:

a digital photographic kiosk that further comprises:

However, Wain expressly teaches:

a digital photographic kiosk that further comprises (See at least Figure 1-5):

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shimada to include the features of Wain because being able to

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switch between printers, when necessary, ensures the proper operation of the kiosk exits.

Claims 6-10 and 16-18 are also rejected for being dependent upon rejected claims 2 and 12. The appropriate correction is required.

13. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the applicant. Although the specified citations are representatives of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- **Zingher**, (US 5,897,260); A print job allocation system interlinks customers of a plurality of printing plants located throughout the world and a plurality of printing plants located throughout the world. The system includes a network for connecting the printing plant customers and a plurality of printing machine control devices controlling a plurality of printing machines in the plurality of printing plants. The system also includes a print job processor which receives print job data from the printing customers and printing machine data from the printing machine control devices. The print job processor processes the data received and allocates print jobs by matching desired print job requirements to available printing machine capacity and capabilities. Using various print job criteria, the print job processor selects one or more printing machines from one or more printing plants which provide for optimum use of the world-wide printing machines and optimum performance of the printing and distribution of the printed products.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Mr. Dante Ravetti whose telephone number is

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(571) 270-3609. The examiner can normally be reached on Monday – Thursday 9:00am-5:00pm.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Calvin Hewitt may be reached at (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is (571) 270-4609.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, please contact the Electronic Business Center (EBC) at 1-(866) 217-9197. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1-(800) 786-9199 (IN USA or CANADA) or 1-(571) 272-1000.

/Dante Ravetti/  
Examiner, Art Unit 3685  
Wednesday, January 14, 2009

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